

ACTIONS
Board of Supervisors Meeting of January 7, 2004

January 9, 2004

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:00 a.m., by the County Executive, Mr. Tucker. All BOS members present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Ella Carey. 	
<p>4. Election of Chairman.</p> <ul style="list-style-type: none"> Elected Lindsay G. Dorrier, Jr., for Calendar Year 2004. 	
<p>5. Election of Vice-Chairman.</p> <ul style="list-style-type: none"> Elected Dennis S. Rooker for Calendar Year 2004. 	
<p>6. Presentation of Awards: GFOA Audit and Budget Awards.</p> <ul style="list-style-type: none"> PRESENTATIONS made to the County staff from Shelley Carmichael, representing GFOA. 	
<p>7. Certificates of Appreciation.</p> <ul style="list-style-type: none"> PRESENTED to Tracey Hopper and Jared Loewenstein. 	
<p>8. Appointment of Clerk.</p> <ul style="list-style-type: none"> REAPPOINTED Ella Carey as Clerk for Calendar Year 2004 and Georgina Smith as Senior Deputy Clerk for Calendar Year 2004. 	
<p>9. Set Meeting Times, Dates and Places for Calendar Year 2004.</p> <ul style="list-style-type: none"> SET as follows: first Wednesday of the month at 9:00 a.m., second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building. 	<p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> and post notice on door of Courthouse.</p>
<p>10. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.</p> <ul style="list-style-type: none"> SET as follows: June 9, September 8 and December 8, 2004 and March 16, 2005. 	<p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> as required by Section 33.10.2 of the Zoning Ordinance.</p>
<p>11. Rules of Procedure, Adoption of.</p> <ul style="list-style-type: none"> ADOPTED. 	<p><u>Clerk:</u> Forward copy to County Attorney. (Attachment 1)</p>
<p>12. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Dan Abrahamse, a resident of Rocky Hollow Road, asked that Rocky Hollow be considered for the Rural Rustic Roads Program. 	<p><u>Juan Wade:</u> Communicate with Mr. Abrahamse about the process.</p>
<p>13.2 FY 2004 Appropriation Requests.</p> <ul style="list-style-type: none"> APPROVED FY 2004 appropriations #2004046, #2004047, #2004048, #2004049, #2004050, #2004052, #2004053, #2004054, #2004055 and #2004056 totaling \$356,151.14 to provide funds for various General Government and School programs. 	<p><u>Clerk:</u> Forward signed appropriation forms to OMB and copy appropriate individuals.</p>
<p>13.3 Resolution to accept road(s) in Briarwood Subdivision, Phase 1A, into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward signed resolution to Steve Snell in Department of Engineering. (Attachment 2)</p>

<p>13.4 Resolution to accept roads in Briarwood Subdivision, Phase 3B, into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward signed resolution to Steve Snell in Department of Engineering. (Attachment 3)</p>
<p>13.5 Request from private citizen to pave Blenheim Road (Rt 795) between Rt 708 and Rt 713.</p> <ul style="list-style-type: none"> • REQUESTED that VDoT not issue a permit to the applicant until the Board has an opportunity to discuss further, receive additional public comment and adopt a resolution. The Board SUGGESTED the residents meet with County staff and VDoT to discuss concerns, and that County staff and VDoT meet with the property owner. REQUESTED staff bring back a formal report in February. 	<p><u>Mark Graham:</u> Provide report for February 4. Along with VDoT, County staff schedule meeting with residents and property owner.</p>
<p>14a Work Session: Six Year Secondary Road Plan for 2004-2010 and County's Priority List for Road Improvements.</p> <ul style="list-style-type: none"> • SET public hearing for February 11, 2004. • Made following comments/changes to the current Priority List: <ul style="list-style-type: none"> ○ Remove #2 (West Leigh Drive) from the list; work completed ○ Remove #14 (679 Grassmere Road) from the list; work completed ○ Confirm that \$7.2 million for #10 (601 Old Ivy Road) reflects new status which is lesser project than earlier proposal ○ Regarding #13 (Southern Parkway) Jim Bryan indicated that from his standpoint the project qualifies for Revenue Sharing Funds and Secondary Road Funds. Board requested that if that is the case, it be indicated in the Six Year Plan. Juan Wade indicated that he would meet with the homeowners in Mill Creek to discuss their concerns. ○ Reverse the current ranking of #10 (601 Old Ivy Road) and #11 (656 Georgetown Road) to move Georgetown Road to #10 and Old Ivy Road to #11. ○ Rename #7 (Meadow Creek Parkway – Route 631 to Route 29) to eliminate confusion with the Meadow Creek Parkway since the road does not match up with Meadow Creek. Staff to bring back a report on whether the County wants to continue this project on its' priority list. If the project is eliminated address how the County would deal with the transportation network in that area including Free State Road and other planned development roads. Staff to look at alternatives (impact) to the project that would satisfy the transportation needs. ○ Reverse the current ranking of #7 (Meadow 	<p><u>Planning and VDoT staff:</u> Proceed as discussed.</p>

<p>Creek Parkway) and #13 (Southern Parkway) to move Meadow Creek to #13 and Southern Parkway to #7.</p> <ul style="list-style-type: none"> ○ Rename #35 (Ridge Road Extended) to some other name. ○ Include note in the Plan that #17 (Hillsdale Drive) will be fully funded with urban funds, not as a secondary road project. 	
<p>14b. Transportation Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> ● There were none. 	
<ul style="list-style-type: none"> ● The Board recessed at 11:00 a.m. and reconvened at 11:13 a.m. 	
<p>15. Rivanna River Basin Commission Legislation, Charles R. Schuyler, The Nature Conservancy.</p> <ul style="list-style-type: none"> ● AUTHORIZED County Executive to sign letter supporting legislation. 	<p><u>Clerk:</u> Forward letter to Mr. Schuyler and copy Senator Deeds.</p>
<p>17. Work Session: Long Range Strategic Budgeting.</p> <ul style="list-style-type: none"> ● CONSENSUS on proposed Strategic Budgeting process. ● Additional comments included: need for additional police officers be a priority and OMB include grant writing. 	
<p>18. Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> ● At 12:31 p.m., the Board went into closed session to consider appointments to boards and commissions and to consult with legal counsel and staff pertaining to pending litigation. 	
<p>19. Certify Closed Session.</p> <ul style="list-style-type: none"> ● At 2:15 p.m., the Board reconvened into open session and certified the closed session. 	
<p>20. Appointments</p> <ul style="list-style-type: none"> ● APPOINTED William Lassetter, Jr. to the Public Recreational Facilities Authority, to fill the unexpired term of Babette Thorpe, with said term to expire December 13, 2006. ● REAPPOINTED Dwight T. Colley, Dana M. Slater, Jewel Mason and Lloyd F. Wood, Jr. to the Police Department Citizen Advisory Committee, with said terms to expire March 5, 2006. ● REAPPOINTED Robert C. Larsen, as the White Hall District representative on the Albemarle County Service Authority, with said term to expire April 16, 2008. ● REAPPOINTED Dabney B. Sandridge, as the White Hall District representative on the Equalization Board, with said term to expire December 31, 2004. ● APPOINTED A. Scott Ward, as the Scottsville District representative on the Equalization Board, with said term to expire December 31, 2004. ● REAPPOINTED Pete Craddock, as the Scottsville District representative on the Planning Commission, with said term to expire December 31, 2007. ● APPOINTED Jo Higgins, as the White Hall District representative and APPOINTED Calvin Morris, as 	<p><u>Clerk:</u> Prepare appointment letter, update Boards and Commissions book and notify appropriate persons.</p>

<p>the Rivanna District representative on the Planning Commission, with said terms to expire December 31, 2007.</p> <ul style="list-style-type: none"> • ACCEPTED Doug Gilmore's resignation from the Historic Preservation Committee. <p><u>BOARD COMMITTEE APPOINTMENTS:</u></p> <ul style="list-style-type: none"> • APPOINTED David Wyant to the Agricultural and Forestal District Advisory Committee • REAPPOINTED Lindsay Dorrier and APPOINTED Ken Boyd to the Audit Committee. • APPOINTED Sally Thomas and David Wyant to the Building Committee. • REAPPOINTED Sally Thomas and Dennis Rooker to the Charlottesville/Albemarle/UVA Planning and Coordination Council Policy Committee. • APPOINTED David Wyant to the Consortium of Chief Local Elected Officials for the Workforce Investment Act. • REAPPOINTED David Bowerman and APPOINTED Ken Boyd to the Darden Towe Memorial Park Committee. • REAPPOINTED Dennis Rooker to the Fiscal Impact Committee, with said term to expire July 8, 2006. • REAPPOINTED David Bowerman to the Hazardous Materials Local Emergency Planning Committee. • REAPPOINTED Sally Thomas to the High Growth Coalition. • REAPPOINTED Lindsay Dorrier to the Historic Preservation Committee. • APPOINTED David Bowerman to the Jail Authority, with said term to expire December 31, 2005. • REAPPOINTED Sally Thomas and Lindsay Dorrier to the Lewis and Clark Exploratory Center Board. • REAPPOINTED Sally Thomas and Dennis Rooker to the Metropolitan Planning Organization Policy Committee. • REAPPOINTED Sally Thomas and APPOINTED David Wyant to the Thomas Jefferson Planning District Commission. 	
<p>21. <u>SP-2003-075. Alan & Theresa Zick/Ashleigh Preservation Tract B.</u></p> <ul style="list-style-type: none"> • APPROVED SP-2003-75, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 4)</p>
<p>22. <u>SP-2003-074. Karin M. Gest Private School.</u></p> <ul style="list-style-type: none"> • APPROVED SP-2003-74, by a vote of 6:0, subject to the two conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 4)</p>
<p>23. <u>Work Session: CPA-2003-003. Affordable Housing Policy</u></p> <ul style="list-style-type: none"> • CONSENSUS to amend the language in <i>Strategies and Recommendations</i> under the strategy regarding specific targets for development of affordable units..., as follows: At a minimum, 15% of all units 	<p><u>Clerk:</u> Advertise public hearing.</p>

<p>developed under ... and Housing Committee <u>or a comparable contribution should be made to achieve affordable housing goals of the County.</u></p> <ul style="list-style-type: none"> • SET public hearing for February 4, 2004. 	
<p>24. From the Board: Matters not Listed on the Agenda. <u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Board members may be getting phone calls from some Darden students who are studying the structure of water and sewer authorities. 	
<p>25. Adjourn for tour of Paramount Theater.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 3:11 p.m. 	

/ewc

- Attachment 1 - Rules of Procedure
- Attachment 2 - Briarwood Subdivision, Phase 1A, Resolution
- Attachment 3 - Briarwood Subdivision, Phase 3B, Resolution
- Attachment 4 - Conditions for Planning items

RULES OF PROCEDURE
ALBEMARLE BOARD OF COUNTY SUPERVISORS

A. *Officers*

1. *Chairman.* The Board at its annual meeting shall elect a Chairman who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chairman shall be the head official for all the Board's official functions and for ceremonial purposes. He shall have a vote but no veto. (Virginia Code Sections 15.2-1422 and 15.2-1423)
2. *Vice-Chairman.* The Board at its annual meeting shall also elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability. (Virginia Code Section 15.2-1422)
3. *Term of Office.* The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code Section 15.2-1422)
4. *Absence of Chairman and Vice-Chairman.* If the Chairman and Vice Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

B. *Clerk and Deputy Clerks*

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code Section 15. 2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code Section 15.2-1416)

C. *Meetings*

1. *Annual Meeting.* The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code Section 15.2-1416)
2. *Regular Meetings.* The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code Section 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code Section 15.2-1416)

If the Chairman (or Vice Chairman, if the Chairman is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be

conducted at the continued meeting and no further advertisement shall be required. (Virginia Code Section 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code Section 15.2-1416)

3. *Special Meetings.* The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code Section 15.2-1417)

A special meeting shall be held when called by the Chairman or requested by two or more members of the Board. The call or request shall be made to the Clerk of the Board and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chairman, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code Section 15.2-1418)

The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

D. *Order of Business*

The Clerk of the Board shall establish the agenda for all meetings in consultation with the Chairman. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, no more than three persons will be allowed to speak during the time set aside on the agenda for "For the Public: Matters Not Listed on the Agenda". Each person shall be permitted no more than five minutes to provide comments.

Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

E. *Quorum*

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code Section 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

F. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. (Article VII, Section 7, Virginia Constitution)

2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code Section 15.2-1428)

3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter.

The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.

4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.

5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.

6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. *Amendment of Rules of Procedure*

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

H. *Suspension of Rules of Procedure*

These Rules of Procedure may be suspended by the majority vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

- I. Necessary rules of procedure not covered by these Rules of Procedures shall be governed by Robert's Rules of Order.

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004).

Attachment 2

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of January 2004, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Briarwood Subdivision, Phase 1A**, described on the attached Additions Form SR-5(A) dated **January 7, 2004**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Briarwood Subdivision, Phase 1A**, as described on the attached Additions Form SR-5(A) dated **January 7, 2004**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form SR-5(A) is:

- 1) **Hummingbird Lane (State Route 1594)** from the intersection of Route 1593 (Sunset Drive) to the cul-de-sac, as shown on plat recorded 08/07/1996 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1556, pages 99-102, with a 50-foot right-of-way width, for a length of 0.06 mile.
- 2) **Sparrow Lane (State Route 1592)** from the intersection of Route 1576 (Briarwood Drive) to the intersection of Route 1593 (Sunset Drive), as shown on plat recorded 12/07/1995 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1508, pages 123-125, with a 50-foot right-of-way width, for a length of 0.07 mile.
- 1) **Sunset Drive (State Route 1593)** from the intersection of Route 1592 (Sparrow Lane) to the intersection of Route 1594 (Hummingbird Lane), as shown on plat recorded 08/07/1996 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1556, pages 99-102, with a 50-foot right-of-way width, for a length of 0.05 mile.

Total Mileage - 0.18 mile.

Attachment 3

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of January 2004, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Briarwood Subdivision, Phase 3B**, described on the attached Additions Form SR-5(A) dated **January 7, 2004**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Briarwood Subdivision, Phase 3B**, as described on the attached Additions Form SR-5(A) dated **January 7, 2004**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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The road(s) described on Additions Form SR-5(A) is:

- 1) **Bluejay Way (State Route 1596)** from the intersection of Route 1575 (Austin Drive) to the cul-de-sac, as shown on plat recorded 06/27/1995 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1475, page 468, with a 40-foot right-of-way width, for a length of 0.05 mile.

Total Mileage - 0.05 mile.

CONDITIONS OF APPROVAL

SP-2003-075. Alan & Theresa Zick/Ashleigh Preservation Tract B. Request to allow construction of bridge in floodplain in accord w/Sec 30.3.05.2.1 of the Zoning Ord. TM 34, P 22V, contains 100 acs. Znd RA. Loc on Priddy Court, approx 0.3 mls from intersec of Priddy Court & Ashleigh Way Rd. Rivanna Dist.

1. Engineering Department approval of computations and plans documenting changes to the floodplain. Plans must show floodplain limits and levels before and after construction. Sections 18-30.3.02.2 and 18-30.3.03.2 allow no increase in flood levels. However, in areas of approximated floodplain, FEMA map accuracy is within one (1) vertical foot;
2. Engineering Department receipt of copies of federal and state permits for disturbance of the stream channel and any associated wetlands;
3. Engineering Department approval of a mitigation plan for repair and enhancement of the stream buffer. The mitigation plan shall include an implementation schedule;
4. Engineering Department approval of plans and computations verifying structural adequacy of the bridge and abutments; and
5. Conditions 1 through 4 must be met within four (4) months of the approval date of this permit.

SP-2003-074. Karin M. Gest Private School. Request to allow private school for classroom Driver training in accord w/Sec 20.4.2.1 of the Zoning Ord. TM 61Z, Sec 3, P 202B, contains .245 acs. Znd PUD. Loc on Incarnation Dr, at intersec of Rt 1694 (Branchlands Blvd) & Rt 1427 (Hillsdale Dr). Rio Dist.

1. Maximum enrollment shall be ten (10) students; and
2. Normal hours of operation for the school shall be from 4:00 PM to 8:00 PM provided that occasional school-related events may occur outside of these hours.